

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

## REMARKS

### Request for Reconsideration, Informal Matters, Claims Pending

5 The Official action mailed on 26 December 2002 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 1-22 are pending.

10

### Response to Rejections Under 35 U.S.C. 102

Claims 1-22 stand rejected under 35 U.S.C. 102 as being anticipated by US 5,878,337 (Joao).

15

### Discussion of Allowability of Claims 1-7

Regarding independent Claim 1, Joao fails to disclose or suggest a method in communication application, including, among other limitations,

20

... transmitting a request from the communication application to a communication server for a cost to conduct the transaction;  
receiving from the communication server, in response to the request, a cost offer for the transaction before the communication application conducts the transaction.

25

Joao merely discloses a method and apparatus for providing point-of-sale authorization and security for credit, debit, money and smart card transactions. In Joao, purchase costs are entered at the point of sale. Joao merely discloses

PECEN

"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

providing the cost of the merchandise, not a "... cost to conduct the transaction...."  
Moreover, Joao does not request a "... cost to conduct the transaction ..." or receive  
"... a cost offer for the transaction ...." Claim 1 and the claims that depend therefrom  
are thus patentably distinguished over Joao.

5           Regarding Claim 2, dependent from Claim 1, Joao fails to disclose or  
suggest "... receiving a cost offer including at least a communication service cost  
component." This aspect of the inventions is disclosed on page 5, lines 18-20 of the  
Pecen patent specification. Claim 2 is thus patentably distinguished over Joao.

10           Regarding Claim 3, dependent from Claim 1, Joao fails to disclose or  
suggest "... indicating the cost offer broken down into component costs at the  
communication application." This aspect of the inventions is disclosed on page 5,  
lines 20-23 of the Pecan patent specification. Claim 3 is thus patentably distinguished  
over Joao.

15           Regarding Claim 4, dependent from Claim 1, Joao fails to disclose or  
suggest "...receiving from the communication server a cost offer based on a quality  
of communications service." Claim 4 is thus patentably distinguished over Joao.

20           Regarding Claim 5, dependent from Claim 1, Joao fails to disclose or  
suggest "... receiving from the communication server a cost offer based on at least  
one of a time of the transaction, an amount of information of the transaction, and  
subscription information associated with the communication application." Claim 5 is  
thus patentably distinguished over Joao.

25           Regarding Claim 6, dependent from Claim 1, Joao fails to disclose or  
suggest "... receiving from the communication server a cost offer based at least partly  
on a credit to a user of the communication application for conducting the  
transaction." Claim 6 is thus patentably distinguished over Joao.

          Regarding Claim 7, dependent from Claim 1, Joao fails to disclose or  
suggest "... receiving from the communication server a cost offer based at least partly

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

on an interactive transaction performance at the communication application." Claim 7 is thus patentably distinguished over Joao.

### Discussion of Allowability of Claims 8-16

5

Regarding independent Claim 8, Joao fails to disclose or suggest a method in communication application, including, among other limitations,

10

...transmitting a request from the mobile wireless communication device to a network for a cost to conduct the wireless transaction;

receiving from the network, in response to the request, a cost to conduct the wireless transaction before conducting the wireless transaction.

15

Joao does not transmit a "... request ... for a cost to conduct the wireless transaction ..." or receive "... a cost to conduct the transaction before conducting the wireless transaction." Claim 8 and the claims that depend therefrom are thus patentably distinguished over Joao.

20

Regarding Claim 9, dependent from Claim 8, Joao fails to disclose or suggest "... receiving a cost to conduct the wireless transaction including at least a communication service cost component." Claim 9 is thus patentably distinguished over Joao.

25

Regarding Claim 10, dependent from Claim 8, Joao fails to disclose or suggest "... receiving a cost to conduct the wireless transaction including a content cost component in addition to the communication service component." Claim 10 is thus patentably distinguished over Joao.

Regarding Claim 11, dependent from Claim 8, Joao fails to disclose or suggest "... identifying the wireless transaction by making a selection at the mobile

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

wireless communication device." Claim 11 is thus patentably distinguished over Joao.

Regarding Claim 12, dependent from Claim 8, Joao fails to disclose or suggest "... receiving from the network a cost based at least partly on at least one of a  
5 time interval required to download the data, a number of octets to be received by the mobile wireless communication device." Claim 12 is thus patentably distinguished over Joao.

Regarding Claim 13, dependent from Claim 8, Joao fails to disclose or suggest "... receiving from the network a cost based at least partly on a credit to an  
10 account of the mobile wireless communication device for downloading the information." Claim 13 is thus patentably distinguished over Joao.

Regarding Claim 14, dependent from Claim 8, Joao fails to disclose or suggest "... receiving from the network a cost based at least partly on an amount of  
15 data to be downloaded over a time interval by the mobile wireless communication device." Claim 14 is thus patentably distinguished over Joao.

Regarding Claim 15, dependent from Claim 8, Joao fails to disclose or suggest "... receiving from the network a cost based at least partly on an interactive  
20 transaction performance at the mobile wireless communication device. Claim 15 is thus patentably distinguished over Joao.

Regarding Claim 16, dependent from Claim 8, Joao fails to disclose or suggest "... receiving from the network a cost based at least partly on participation in  
the interactive transaction at the mobile wireless communication device." Claim 16 is thus patentably distinguished over Joao.

25 Discussion of Allowability of Claims 17-22

Regarding independent Claim 17, Joao fails to disclose or suggest a method in communication application, including, among other limitations,

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

...receiving a request at a communication serving system for a  
wireless transaction cost from the wireless communication device;  
providing a wireless transaction cost to the wireless  
communication device, in response to the request, before the wireless  
communication device conducts a wireless transaction for which the  
cost is provided.

As noted above, the network in Joao does not receive a "... request ...  
for a ... transaction cost from the wireless communication device...." Thus there is  
no reason for Joao to provide "... transaction cost to the wireless communication  
device,...." Claim 17 and the claims that depend therefrom are thus patentably  
distinguished over Joao.

Regarding Claim 18, dependent from Claim 17, Joao fails to disclose or  
suggest "... receiving a wireless transaction cost acceptance from the wireless  
communication device before the wireless communication device conducts the  
wireless transaction." Claim 18 is thus patentably distinguished over the Joao.

Regarding Claim 19, dependent from Claim 17, Joao fails to disclose or  
suggest "...generating the wireless transaction cost based on at least one of a time  
interval required to download the information, an amount of information to be  
downloaded by the wireless communication device over a time interval, and a  
subscription information of the wireless communication device." Claim 19 is thus  
patentably distinguished over the Joao.

Regarding Claim 20, dependent from Claim 17, Joao fails to disclose or  
suggest "... generating the wireless transaction cost based on a content cost and a  
content transport charge." Claim 20 is thus patentably distinguished over the Joao.

Regarding Claim 21, dependent from Claim 17, Joao fails to disclose or  
suggest "... generating the wireless transaction cost based at least partly on one of an  
interactive transaction performance at the wireless communication device and a

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

participation in the interactive transaction at the wireless communication device."  
Claim 21 is thus patentably distinguished over the Joao.

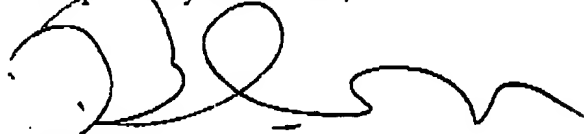
Regarding Claim 22, dependent from Claim 17, Joao fails to disclose or  
suggest "...generating the wireless transaction cost based at least partly on a credit to  
an account of the wireless communication device for downloading the  
advertisement. Claim 22 is thus patentably distinguished over the Joao.

Regarding Claim 23, dependent from Claim 17, Joao fails to disclose or  
suggest "... providing information indicating reliability of the wireless transaction  
cost to the wireless communication device." Claim 22 is thus patentably  
distinguished over the Joao.

In view of the amendments and the discussion above, the Claims of the  
present application are in condition for allowance. Kindly withdraw any rejections  
and objections and allow this application to issue as a United States Patent without  
further delay.

The Applicant requests a telephone interview with the Examiner in  
connection with the present response. Kindly contact the undersigned upon  
carefully reviewing the foregoing amendment and discussion, prior to preparing an  
official action in response thereto.

Respectfully submitted,



ROLAND K. BOWLER II 26 MARCH 2003  
REG. NO. 33,477

MOTOROLA, INC.  
INTELLECTUAL PROPERTY DEPT. (RKB)  
600 NORTH U.S. HIGHWAY 45, AN475  
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978  
FACSIMILE NO. (847) 523-2350

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

### MARKED-UP AMENDED CLAIMS

1. (Once Amended) A method in communication application,  
5 comprising:

~~[identifying a communication transaction at the communication  
application]~~

transmitting a request from the communication application to a  
communication server for a cost to conduct a communication ~~[the]~~ transaction;

10 receiving from the communication server, in response to the request, a  
cost offer for the transaction before the communication application conducts the  
transaction.

15 2. (Once Amended) The method of Claim 1, receiving a cost offer  
including at least a communication service cost component, ~~identifying a transaction  
by making a selection at the communication application.~~

20 3. (Once Amended) The method of Claim 1, indicating the cost offer  
broken down into component costs at the communication application.

25 4. (Once Amended) The method of Claim 1, receiving from the  
communication server a cost offer based on a quality of communications service  
~~[accepting the cost offer at the communication application before conducting the  
transaction].~~

PECEN

"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

9. (Once Amended) The method of Claim 8, receiving a cost to conduct the wireless transaction including at least a communication service cost component ~~[indicating the cost at the mobile wireless communication device]~~.

5

10. (Once Amended) The method of Claim 2 [8], receiving a cost to conduct the wireless transaction including a content cost component in addition to the communication service component ~~[providing a prompt at the mobile wireless communication device for accepting or rejecting the cost received]~~.

10

14. (Once Amended) The method of Claim 8, the wireless transaction is a data download to the mobile wireless communication device via the network, receiving from the network a cost based at least partly on an amount of data to be downloaded over a time interval by the mobile wireless communication device.

15

17. (Once Amended) A method for providing wireless transaction cost information to a [mobile] wireless communication device, comprising:

20

receiving a request at a communication serving system for a wireless transaction cost from the [mobile] wireless communication device;

providing a wireless transaction cost to the [mobile] wireless communication device, in response to the request, before the [mobile] wireless communication device conducts [the] a wireless transaction for which the cost is provided.

25



PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

18. (Once Amended) The method of Claim 17, receiving a wireless transaction cost acceptance from the [mobile] wireless communication device before the [mobile] wireless communication device conducts the wireless transaction.

5

19. (Once Amended) The method of Claim 17, the wireless transaction is an information download to the [mobile] wireless communication device, generating the wireless transaction cost based on at least one of a time interval required to download the information, an amount of information to be downloaded  
10 by the [mobile] wireless communication device over a time interval, and a subscription information of the [mobile] wireless communication device.

15

20. (Once Amended) The method of Claim 17, generating the wireless transaction cost based on ~~[at least one of]~~ a content cost ~~[of the transaction]~~ and a content transport charge.

20

21. (Once Amended) The method of Claim 17, the wireless transaction is an interactive transaction, generating the wireless transaction cost based at least partly on one of an interactive transaction performance at the [mobile] wireless communication device and a participation in the interactive transaction at the [mobile] wireless communication device.

25

22. (Once Amended) The method of Claim 17, the wireless transaction is an advertisement transfer to the [mobile] wireless communication device,

PECEN  
"Advice of Charge For Communications  
Services, Architectures ..."  
Atty. Docket No. CS99025RL

Appl. No. 09/940,762

Examiner T. Nguyen  
Art Unit 2684

generating the wireless transaction cost based at least partly on a credit to an account  
of the [mobile] wireless communication device for downloading the advertisement.

5